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10/024,128	12/17/2001	Michael J. VanLeeuwen	01188-T9305.NP	3113
20551 7590 03/18/2008 THORPE NORTH & WESTERN, LLP. P.O. Box 1219 SANDY, UT 84091-1219				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/024,128

Applicant(s)

VANLEEUEWEN, MICHAEL J.

Examiner

Jennifer Liversedge

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 16, 20-23 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 20-23 and 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 10/024,128 filed on December 19, 2007.

The amendment contains amended claims: 13-14, 16 and 21.

The amendment contains previously presented claims: 20, 22-23 and 25-27.

The amendment contains new claims: 28-36.

Claims 1-12, 15, 17-19 and 24 have been canceled.

It is noted that the Official Notice taken in the previous Office Action with respect to claim 26 was not argued by applicant and it is therefore recognized that applicant agrees with examiner's assessment of obviousness with regards to the limitations of claim 26.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-14, 16, 20-23 and 25-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 13, as newly

amended, claims in part "...cresting a numerical ranking for each of the debts based on dividing the periodic payment by an original principal amount or a remaining principal amount *and dividing that amount by the payment frequency*" (emphasis added).

Support for this additional limitation is not found in the specification. The specification does contain a discussion of payment frequency and its impact on debt repayment, as pointed out in the response/arguments submitted as being on page 15, lines 13-25. In making a 112 rejection determination, the examiner reviewed other portions of the specification to locate the claimed limitation and was unable to find any support. Figure 6, for example, discloses the first calculation of dividing the periodic payment by the original or remaining balance, but does not include a subsequent calculation based on dividing that result by payment frequency. Additionally, page 9, lines 22-27 of the specification discloses where the first calculation is performed of dividing the periodic payment by the original or remaining balance and then determines a ratio and a ranking. There is no disclosure of an additional calculation using the payment frequency to divide into the result of the first calculation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 13-14, 16, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,358,278 to Ellis (further referred to as Ellis), in view of "Simple steps can erase debt" by Scott Burns (further referred to as Burns), and further in view of "One extra payment can add up" by Pamela Reeves Scripps Howard (further referred to as Howard).

Regarding claims 13, Ellis discloses a method for determining a financial debt that should be paid down first to reduce a person's overall financial debt (Figure 13, columns 1-2, 7-8), comprising the steps of:

Storing debt information for a plurality of debts, wherein the debt information for each financial debt includes a principal amount, an interest rate, a periodic payment, and a debt payment length (Figure 13; column 8, lines 39-46).

Ellis does not disclose comparing the periodic payment of each debt to the principal amount; creating a numerical ranking for each of the debts based on dividing the periodic payment by an original amount or a remaining principal amount and

identifying the debt to pay off first based on the highest numerical ranking of the debt to allow the plurality of debts to be paid off in a reduced amount of time.

However, Burns discloses comparing the periodic payment of each debt to the principal amount; creating a numerical ranking for each of the debts (page 3). Burns creates a numerical ranking for each of the debts based on dividing the original balance or a remaining principal amount by the periodic payment and identifying the debt to pay off first based on the lowest numerical ranking of the debt to allow the plurality of debts to be paid off in a reduced amount of time.

It would be obvious to one of ordinary skill in the art that dividing the balance owed by the periodic payment and then selecting the result with the lowest value would have the same ranking effect by means of the same values as claimed in the present application in which it is claimed to divide the periodic payment by the balanced owed and selecting the result with the highest value.

It would further be obvious to one of ordinary skill in the art to combine the use of ranking based on a comparison of periodic payments and a balance remaining as disclosed by Burns with the debt reduction plan options disclosed by Ellis. The motivation would be to offer one of many approaches to debt reduction such that reduction is accelerated using available debt data.

Neither Ellis nor Burns disclose dividing the result of having divided the periodic payment by the original or remaining principal amount by the payment frequency. However, Howard discloses accounting for the payment frequency in determining optimal debt reduction whereby the number of payments made in a month is accounted

for (page 2 where Howard discloses "You pay half your mortgage every two weeks instead of making one payment a month"). It would be obvious to adapt the accounting for frequency of payments into the debt reduction equation as disclosed by Howard with the debt reduction payment methods as disclosed by Ellis and Burns. The motivation would be that it is old and well known that more frequent payments results in a quicker payoff of debt and including such data would result in a more accurate appraisal of which debt should be targeted first in determining a debt payoff schedule.

Regarding claims 14 and 16, Ellis discloses determining a sequence in which for the debts are paid down to pay off the debts in reduced time and applying additional power payments to the debt that has been identified to be paid off first (Figure 13; column 8, lines 39-60).

Regarding claims 20-21, Ellis does not disclose selecting a next debt to be paid off after the debt to be paid off first has been paid off, wherein the next debt is elected based on the next highest numerical ranking for the plurality of debts and further adding the periodic payment amount of the debt to be paid off first to a periodic payment amount of the next debt to be paid off to enable the next debt to be paid off at an accelerated rate. However, Burns discloses selecting a next debt to be paid off after the debt to be paid off first has been paid off, wherein the next debt is elected based on the next highest numerical ranking for the plurality of debts and further adding the periodic payment amount of the debt to be paid off first to a periodic payment amount of the next

debt to be paid off to enable the next debt to be paid off at an accelerated rate (page 3). Given the combination of Ellis and Burns as presented in the rejection of claim 13, It would be obvious to one of ordinary skill in the art to combine selecting the next ranked debt and adding funds which had been directed to another debt that has been paid off as disclosed by Burns to address accelerated debt reduction as disclosed by Ellis. The motivation would be to use the ranked values as determined by calculation to lead a debt reducer through the list of ranked debts, and wherein all available funds are directed to debt reduction.

Regarding claim 22, Neither Ellis nor Burns disclose adding an extra amount equal to one monthly payment each year to one of the debts to be paid off first and the next debt to be paid off to enable at least one of the debts to be paid off at an accelerated rate. However, Howard discloses adding an extra amount equal to one monthly payment each year to one of the debts to be paid off first and the next debt to be paid off to enable at least one of the debts to be paid off at an accelerated rate (page 2). It would be obvious to one of ordinary skill in the art to modify the accelerated debt reduction as disclosed by Ellis and Burns to adapt making an extra payment for accelerated debt reduction as disclosed by Howard. The motivation would be to offer many different approaches to debt reduction in which extra funds are directed toward debt.

Regarding claim 23, Ellis discloses adding a one time payment to one of the debts to be paid off first and the next debt to be paid off to enable at least one of the debts to be paid off at an accelerated rate (Figure 13; column 8, lines 39-60).

Regarding claim 25, Ellis does not disclose determining which debts to pay off first using a wizard configured to assist a user in the steps of comparing, creating, and identifying. However, Burns discloses determining which debts to pay off first using a wizard configured to assist a user in the steps of comparing, creating, and identifying (page 3). It would be obvious to one of ordinary skill in the art to modify the accelerated debt reduction as disclosed by Ellis to adapt a wizard to perform the steps of comparing, creating and identifying as disclosed by Burns. The motivation would be to use technology for quicker and more accurate results than obtained by performing the steps by hand.

Regarding claim 27, Ellis discloses determining a periodic payment based on an amount listed on a bill for one of the plurality of bills (Figure 13; column 8, lines 39-60).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, Burns and Howard as applied to claim 13 above, and further in view of Official Notice.

Neither Ellis nor Burns disclose calculating the periodic payment based on the principal amount and the interest rate. However, Examiner takes Official Notice that it is old and well known that periodic payments are determined based on a principal amount

and the interest rate. It would be obvious to calculate a periodic payment using the factors and values by which the financial industry uses for such a calculation.

Claims 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, Burns and Howard as applied to claim 13 above, and further in view of U.S. Patent No. 5,842,185 to Chancey et al. (further referred to as Chancey).

Regarding claim 28, Ellis discloses acquiring the aggregated financial data for a user; classifying financial transactions received with the aggregated financial data into a plurality of budget categories; applying the financial transactions to the budget categories, wherein the budget categories further include a budget amount and a budget balance; modifying the budget balances based on increases or decreases caused by the financial transactions; displaying the budget categories, budget amounts, modified budget balances and the financial transactions to aid the user in debt reduction (columns 1-8; Figures 5-13).

Neither Ellis, Burns nor Howard disclose where the data is received from a financial data clearinghouse and where data is categorized without user input. However, Chancey discloses where the data is received from a financial data clearinghouse and where data is categorized without user input (Figures 1-4; column 2, lines 19-39; column 4, lines 6-21; column 4, line 54 – column 5, line 5). It would be obvious to one of ordinary skill in the art to modify the debt reduction financial organization methods as disclosed by Ellis, Burns and Howard to adapt the use of

automatically receiving and categorizing data as disclosed by Chancey. The motivation would be to take advantage of electronic transmissions of electronic financial information in order to increase efficiency and to reduce errors.

Further, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have automated receipt and categorization of financial data because it would have both increased the speed of the process and reduced errors, which was known, and the end result would have been the same as compared to the manual method. *In re Verner*, 262 F.2d 91, 95, 1209 USPQ 193, 194 (CCPA 1958).

Regarding claims 29-34, Ellis discloses:

Modifying the budget amounts categories based on user input; allowing the user to accept suggested budget amounts and categories; determining areas of the budget categories where expenses can be reduced; providing steps for debt reduction strategy based on the aggregated information and suggested budget amounts and categories; acquiring financial data related to user's financial account information with deposit and withdrawal information (columns 1-8; Figures 5-13).

Neither Ellis, Burns nor Howard disclose the use of electronic forms or receiving bill presentment information. However, Chancey discloses the use of electronic forms and receiving bill presentment information (Figure 1; column 1, line 65 – column 2, line 42; column 4, lines 6-22; column 5, lines 23-42). The same reasoning for the obviousness and motivation to combine Ellis, Burns, Howard and Chancey as applied to claim 28 applies to claims 29-34.

Regarding claim 35, Ellis discloses:

Acquiring the aggregated financial data for a user; classifying financial transactions received with the aggregated financial data into a plurality of budget categories; applying the financial transactions to the budget categories, wherein the budget categories further include a budget amount; providing the user with a listing of expense reducing items that can reduce the user's debt; comparing budget categories and the budget amounts to expense reducing items accepted by the user to define a budget margin for budget categories; and applying the budget margin to pay down the user's debt (columns 1-8; Figures 5-13).

Neither Ellis, Burns nor Howard disclose where the data is received from a financial data clearinghouse and where data is categorized without user input. However, Chancey discloses where the data is received from a financial data clearinghouse and where data is categorized without user input (Figures 1-4; column 2, lines 19-39; column 4, lines 6-21; column 4, line 54 – column 5, line 5). It would be obvious to one of ordinary skill in the art to modify the debt reduction financial organization method as disclosed by Ellis, Burns and Howard to adapt the use of automatically receiving and categorizing data as disclosed by Chancey. The motivation would be to take advantage of electronic transmissions of electronic financial information in order to increase efficiency and to reduce errors.

Further, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have automated receipt and categorization of financial

data because it would have both increased the speed of the process and reduced errors, which was known, and the end result would have been the same as compared to the manual method. *In re Venner*, 262 F.2d 91, 95, 1209 USPQ 193, 194 (CCPA 1958).

Regarding claim 36, none of Ellis, Burns or Howard specifically disclose paying a portion of the budget margin toward retirement savings after a portion of the user's debt has been paid off. However, Ellis discloses where a budget is established, where budget margins are identified by reducing expenses, where debt reduction and retirement savings are both user objectives, and where users shift allocation of funds based on current goals and objectives (columns 1-8; Figures 5-13). It would be obvious to one of ordinary skill in the art that as debt was paid off, that the margin could be channeled instead to savings of various types such as retirement. The motivation would be to follow basic personal financial planning principals for reducing debt and saving resources for future needs.

Response to Arguments

Applicant's arguments with respect to claims 13-14, 16, 20-23, 25-36 have been considered but are moot in view of the new ground(s) of rejection.

Arguments related to the newly added limitation of claim 13. As discussed above under the 112 rejection section, the added limitation lacks support in the specification and is therefore new matter and impermissible.

New claims 28-36 were new claims in the present amendment and no arguments related to these claims were presented. Additionally, no arguments related to these claims were presented in the first amendment when these claims had been presented previously as claims 1-9 but rather than presenting any arguments, the claims were simply canceled. The original claims 1-9 are now claims 28-36 in the present amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jennifer Liversedge/
Examiner
Art Unit 3692

/Kambiz Abdi/
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